UNITED STATES PATENT AND TRADEMARK OFFICE

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10/088,968	07/10/2002	Steffen Thiel	10191/2255	6611

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-19,21-25,27-31,33 and 35-39* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-19,21-25,27-31,33 and 35-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 July 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see pp. 7-10, filed 5/27/08, with respect to Van Ryzin

have been fully considered but they are not persuasive.

2.   The examiner respectfully disagrees that Van Ryzin teaches nothing more than a

linear order and does not teach a non-linear order. Van Ryzin teaches both orders,

wherein a table, such as shown in figure 3, describes a priority order of devices. Van

Ryzin also teaches that a table is user editable (column 4, lines 23-25). Furthermore,

Van Ryzin teaches a priority table that is editable by the firmware, wherein the powering

on of a device can cause the table to give priority to the newest available device (e.g.

the CD player has highest priority, but the TV is now turned on and the table is edited to

give the TV priority over the CD player). One of ordinary skill can see that the editable

priority table implies a third device can take priority over the first device depending on

when the devices were turned on and how the user edited the priority table (e.g. the CD

player had first priority, the TV is turned on and takes top priority, then a VCR is turned

on and takes priority, and later the CD player can regain priority, in one instance, over

the VCR if it is turned off and then on again).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 16-19, 21-25, 30, and 31** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Van Ryzin, USPN 6,052,471.

5.   Regarding **claim 16**, Van Ryzin teaches a control device, comprising:

a storage device for storing an audio-output matrix having plurality of matrix elements, each matrix element associated with a pair of audio sources from a plurality of different audio sources, including at least first, second and third matrix elements, wherein the first matrix element indicates if a first audio source can interrupt a second audio source, the second matrix element indicates if the second audio source can interrupt a third audio source, and the third matrix element indicates if the third audio source can interrupt the first audio source (figure 3, column 4, lines 32-39, and column 5, lines 30-44); *and*
an arrangement for outputting a selected one of the plurality of audio sources to a common output device (column 1, lines 13-34),
wherein the control device is configured to manage audio output interruption requests from the plurality of different audio sources as a function of the matrix elements of the audio-output matrix, wherein the managing includes a non-linear mode in which, if indicated by the matrix elements, the first audio source can interrupt the second audio source, the second audio source can interrupt the third audio source, and the third audio source can interrupt the first audio source (column 4, lines 23-39 teaches that the priorities are user editable and one instance allows newly turned on devices to take priority when the previously didn't have priority).

6.   Regarding **claim 17**, the further limitation of claim 16, Van Ryzin teaches a control device, further comprising a selection device for selecting different attributes which are assigned to the matrix elements of an information-source pair (column 4, lines 21-27 and figure 3).

7.   Regarding **claim 18**, the further limitation of claim 17, Van Ryzin teaches the control device, further comprising an input device for inputting the matrix elements together with the selected attributes (column 4, lines 27-28).

8.   Regarding **claim 19**, the further limitation of claim 16, Van Ryzin teaches the

control device, further comprising a video screen (column 1, lines 21-23 and lines 41-

45).

9.   Regarding **claim 21**, the further limitation of claim 16, Van Ryzin teaches the

control device, further comprising a management device for managing a series of

information sources in a waiting list (column 4, lines 32-39).

10.   Regarding **claim 22**, the further limitation of claim 16, Van Ryzin teaches the

control device, wherein the information-output device is at least one of a loudspeaker

and a headphone (column 1, lines 24-34; teaches a typical receiver in a home theater

setup, which typically uses one of a loudspeaker and a headphone for audio output).

11.   Regarding **claim 23**, see the preceding argument with respect to claim 16. Van

Ryzin teaches these features, wherein the output is to a common pre-amplifier stage of

the receiver (figure 1 & 2).

12.   Regarding **claim 24**, the further limitation of claim 23, see the preceding

argument with respect to claim 17. Van Ryzin teaches these features.

13.   Regarding **claim 25**, the further limitation of claim 23, see the preceding

argument with respect to claim 18. Van Ryzin teaches these features.

14.   Regarding **claim 30**, the further limitation of claim 23, see the preceding

argument with respect to claim 21. Van Ryzin teaches these features.

15.   Regarding **claim 31**, the further limitation of claim 16, see the preceding

argument with respect to claim 16. Van Ryzin teaches a control device, wherein each

matrix element determines the priority of a first audio device (e.g., VID2) with respect to

a second audio source (e.g., VID1).

16.   Regarding **claim 35**, the further limitation of claim 16, see the preceding

argument with respect to claim 16. Van Ryzin teaches a plurality of audio sources are

portions of a plurality of different information sources (i.e. the plural audio sources, such

as radio, CD, and tape cassettes, include portions of different information sources).

17.   Regarding **claim 36**, the further limitation of claim 23, see the preceding

argument with respect to claims 23 and 35. Van Ryzin teaches these features.

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

19.   **Claims 27 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Van Ryzin as applied to claim 26 above, and further in view of Callahan, USPN

4,306,114.

20.   Regarding **claim 27**, the further limitation of claim 26, Van Ryzin teaches the

control method, further comprising the step of selecting, based on an attribute of a

matrix element assigned to an information-source pair by interruption (see the

preceding argument with respect to claim 23). Van Ryzin does not teach the selection

between relieving and interrupting the corresponding information source that is active

longer.

Callahan teaches an automatic selection between priorities by digitally fading the

signal (column 1, lines 7-15 and figure 2, unit 38), wherein fading teaches a mode of

selection which relieves or interrupts the corresponding information source that is active

longer (column 1, line 46 - column 2, line 15). It would have been obvious for one of

ordinary skill in the art at the time of the invention to combine the teachings of Van

Ryzin and Callahan for the purpose of selecting a method of switching. Callahan

teaches the selection of gently fading in and out of music directly, and the selection of

interrupting is implied by the prior art of Callahan. Furthermore the selection would

allow the user to have editing control, wherein the solution of switching abruptly would

be desirable in some situations, (i.e. to avoid the noise caused by the turntable when

the needle reaches the end of a record).

21.   Regarding **claim 28**, the further limitation of claim 26, see the preceding

argument with respect to claim 27. The combination of Van Ryzin and Callahan

teaches the selection between an abrupt transition and a smooth cross-fading.

22.   **Claims 29 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Van Ryzin as applied to claim 26 above, and further in view of Hadley et al., USPN

5,243,640 (hereinafter Hadley).

23.   Regarding **claim 29**, the further limitation of claim 26, see the preceding

argument with respect to claim 26. Van Ryzin teaches the features of claim 26.

However, Van Ryzin does not teach the selection between separating and superposing

two corresponding information sources.

Hadley teaches a system, which selects by priority between an audio system and a

cellular phone (abstract, column 1, line 62 - column 2, line 10). It would have been

obvious for one of ordinary skill in the art at the time of the invention to combine the

teachings of Van Ryzin and Callahan for providing a priority for telephones in a home

theater or other audio setup.

24.   Regarding **claim 33**, the further limitation of claim 16, see the preceding

argument with respect to claim 16. In the combination, Van Ryzin teaches the control

device of claim 16, wherein the priority matrix is also user editable (column 4, lines 21-

28). Hadley teaches a matrix wherein a matrix element has a first and second attribute,

wherein the first attribute determines the priority of a first audio source with respect to a

second audio source, and the second attribute determines a manner of interruption of a

higher priority one of the first and second audio sources with respect to a lower priority

one of the first and second audio sources (column 3, lines 33-64 and figure 4). It would

have been obvious for one of ordinary skill in the art at the time of the invention to

extend this idea of interruption by mixing or by muting with another matrix element. For

example, a radio and another device could have different interruptions based on

functions of each system determining whether or not the audio is interrupted or mixed

together.

25.   Regarding **claim 37**, the further limitation of claim 33, see the preceding

argument with respect to claim 33. The combination teaches this feature, wherein Van

Ryzin teaches a new audio source can be selected by the user to relieve a previous audio source.

26.   Regarding **claim 38**, the further limitation of claim 33, see the preceding argument with respect to claim 33. The combination teaches this features, wherein Van Ryzin teaches a switching that is performed in an unnoticeable time period (column 1, lines 63-67). This indicates that the combination teaches abrupt switching.

27.   Regarding **claim 39**, the further limitation of claim 33, see the preceding argument with respect to claim 33. The combination teaches these features, wherein a new phone call is mixed with the previous audio source, or radio (see Hadley, column 3, lines 55-64).

Conclusion

28.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wagner, USPN 4,742,348 - teaches a matrix device for the assignment of priorities (abstract);

Donner, USPN 5,722,069 - teaches a priority system in a vehicle (abstract);

Becker, USPN 6,157,725 - teaches another priority system in a vehicle (abstract and figure 1); and

Clarion Co Ltd., JP 09-035461 - teaches priority based interruptions in a vehicle's audio system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suhan Ni can be reached on (571)272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/
Examiner, Art Unit 2615

/Suhan Ni/
Primary Examiner, Art Unit 2614